

REMARKS

Claim 19 and 35 are amended herein for clerical errors. Claims 1-36 remain pending. No new matter has been added as a result of the Claim amendments.

Applicant wishes to thank the Examiner for indicating, on Page 3 paragraph 2, that other than Claim 1, the remaining independent Claims appear to have overcome the prior art of record. Even though they are not indicated as allowable since 35 U.S.C. §112, first paragraph, issues have been raised.

Rejection under 35 U.S.C. §112

Claims 11-36

Beginning on page 3 of the present Office Action, Claims 11-36 are rejected under 35 U.S.C. §112, first paragraph, as failing to comply with the written description requirement.

Applicant respectfully disagrees with the statements provided under 35 U.S.C. §112, first paragraph, of the present Office Action regarding the disclosure of the claimed features.

For example, on page 4, lines 1-5, the present Office Action states, "Applicant has merely disclosed initiating communication interfaces found at each of the devices themselves and not remotely initiating the communication interfaces of other devices. In Applicant's disclosed system when a user wishes to establish communications between two devices the user must initiate the communication interfaces found at each device locally (see inter alia, the various embodiments disclosed on pages 14-17 of Applicant's specification)" (emphasis added).

In contrast, Applicant submits that remote initiation is described throughout the Applicant's Specification. For example, on page 14 lines 14-25, the Specification clearly describes "[s]ome networking wizardry. In this way, the embodiment avoids having the user go out and search for remote resources, and having the user obtain the necessary connectivity information regarding those other remote resources. Instead, the networking wizardry, through the GUI, is able to locate local resources and determine the necessary information needed to set up a communication path between the device where the GUI is located and the other local resources on the communication network. The user need only look at a list of available resources for connection and select the remote device needed" (emphasis added).

With respect to this description, applicant notes that the skill sets of those skilled in the art of computer networking are often revered by those not skilled in the art of network communication. More specifically, those skilled in the art will appreciate that various different ways of retrieving information may be employed, e.g. post, get, put, connect, etc..., and that such varying request options fall within the notion of network and do not depart from the underlying teachings of the application.

Thus, Applicant respectfully submits that the Specification does indeed, include remote initiation. Moreover, the Specification clearly states that the user does not have to initiate the communication interfaces found at each device locally.

For this reason, Applicant respectfully submits that Claims 11-36 are supported in the Specification and, as such, do comply with the written description requirement. Therefore, Applicant respectfully states that the rejection of Claims 11-36 under 35 U.S.C. §112, first paragraph, is incorrect and should be withdrawn.

Claims 19-28

In the Office Action, the Examiner rejected Claims 19-28 under 35 U.S.C. §112, second paragraph, as being indefinite for failing to point out and specifically claim the subject matter which Applicant regards as the invention. Specifically, a number of clerical errors are noted with respect to Claim 19.

Applicant has amended Claim 19 herein to correct the clerical errors. As such, Applicant respectfully submits that the rejection of Claim 19 under 35 U.S.C. §112, second paragraph, is moot.

In addition, Applicant respectfully submits that no additional rejections are provided with respect to Claims 20-28. As such, Applicant submits that the correction of the clerical error of Claim 19 also renders the rejection of Claims 20-28, under 35 U.S.C. §112, second paragraph, moot.

Claim Rejections - 35 U.S.C. §102

The present Office Action rejected Claims 1 and 5-10 under 35 U.S.C. 102(e) as being anticipated by U.S. Patent No. 6,785,542 by Blight et al., hereinafter referred to as the "Blight" reference. Applicant has reviewed the above cited reference and respectfully submits that the embodiments of the present invention as recited in Claims 1 and 5-10 are not anticipated by Blight for at least the following rationale.

Applicant respectfully submits that independent Claim 1 recites that an embodiment of the present invention is in part directed to (emphasis added):

A communication system comprising:

a communication network; and

a plurality of electronic devices coupled to said communication network, each of said plurality of electronic devices including a selector for manually initiating a user initiated communication interface that when enabled presents network connectivity information specific to an associated electronic device implementing said communication interface, wherein said network connectivity information is necessary for establishing communication paths between said associated electronic device and other electronic devices coupled to said communication network, wherein said network connectivity information provides information pertaining and unique to said associated electronic device and is universally used to establish communication between said associated electronic device and each of said other electronic devices.

Claims 5-10 that depend from independent Claim 1 also include these limitations.

On page 2 at approximately lines 12-14 of the response to Arguments section, the Present Office Action states "[A]t the very least the user of a mobile device in Blight's system manually initiates all network communication interfaces in the device by turning the device ON (see inter alia, Col 14, line 33)" (emphasis added).

Applicant respectfully points out that it is recognized that, although the claims are read in light of the specification, that limitations appearing in the specification are not read into the claims. However, it is also recognized that the claims are read as one of ordinary skill in the art would read them. Furthermore, it is recognized that an Applicant can be his or her own lexicographer, as long as the meaning of a term is not repugnant to the usual meaning of the term. Moreover, if extrinsic reference sources evidence more than one definition for the term, the intrinsic record (e.g., the disclosure of the instant application) must be consulted to identify which of the

different possible definitions is most consistent with Applicants' use of the term – where there are several common meanings for a claim term, the patent disclosure serves to point away from the improper meanings and toward the proper meanings.

Applicant respectfully submits the “selector for manually initiating a user initiated communication interface” words of the claim must be given their plain meaning. In other words, they must be read as they would be interpreted by those of ordinary skill in the art. In re Sneed, 710 F.2d 1544, 218 USPQ 385 (Fed. Cir. 1983).

Moreover, the selector terminology is clearly defined in the Specification and the Figures as being distinctly different from the power button. For example, throughout the Specification including page 11 lines 19-22, and as clearly shown in Figure 3, the selector 320 for manually initiating a user initiated communications interface on device 200 is clearly distinguished from the power button 330 (emphasis added).

MPEP §2131 provides:

“A claim is anticipated only if each and every element as set forth in the claim is found, either expressly or inherently described, in a single prior art reference.” *Verdegaal Bros. v. Union Oil Co. of California*, 814 F.2d 628, 631, 2 USPQ2d 1051, 1053 (Fed. Cir. 1987). ... “The identical invention must be shown in as complete detail as is contained in the ... claim.” *Richardson v. Suzuki Motor Co.*, 868 F.2d 1226, 1236, 9 USPQ2d 1913, 1920 (Fed. Cir. 1989). The elements must be arranged as required by the claim.

Thus, Applicant respectfully submits that utilizing the power button to turn a device on as stated in the Present Office Action, does not anticipate a selector for manually initiating a user initiated communication interface.

For this reason, Applicant respectfully submits that the power button of Blight does not anticipate “each of said plurality of electronic devices including a selector for manually initiating a user initiated communication interface” (emphasis added) as recited in independent Claim 1. As such, Applicant submits that Claim 1 overcomes the rejection under 35 U.S.C. § 102(e), and is thus in a condition for allowance.

With respect to the second analogy on page 2 at approximately lines 15-18 of the response to Arguments section, the Present Office Action states “[F]urthermore, as opposed to equating Applicant’s claimed communication interface with a traditional network interface, the claimed communication interface may also be

equated with Blight's web browser and associated page of available resources that the user manually controls (see inter alia, Col 14, line 56 — Col 15, line 9)" (emphasis added).

Applicant respectfully disagrees with this statement. Specifically, Applicant respectfully contends, assuming arguendo, that the comparison provided in the present Office Action is not a correct comparison. That is, the claimed communication interface is incorrectly compared with Blight's web browser and associated page of available resources that the user manually controls (emphasis added).

Applicant submits, assuming arguendo, that if a comparison is even appropriate, an appropriate comparison may be the Claimed "communication interface and Blight's web browser" (emphasis added). In this comparison, Applicant does not understand Blight's web browser when enabled to present network connectivity information specific to an associated electronic device implementing said communication interface. Moreover, as the Office Action states, it is "[t]he associated page of available resources that the user manually controls (emphasis added).

That is, Applicant understands Blight to anticipate that "[w]henver a resource is detected through one of the network interfaces, e.g., via their automatic resource discovery procedures, a record of the resource is added to the resource table" (col. 10, lines 62-65; emphasis added). In particular, Applicant respectfully submits that Blight discloses that resources are added to the resource proxy through automatic resource discovery procedures. In other words, Applicant understands the resources of Blight to be automatically added to the resource table presented in by web browser regardless of any initiation of the web browser by a user. Moreover, Applicant does not understand the web browser of Blight to present network connectivity information specific to an associated electronic device implementing said communication interface when enabled (emphasis added).

For this reason, Applicant respectfully submits that the web browser of Blight does not anticipate "each of said plurality of electronic devices including a selector for manually initiating a user initiated communication interface that when enabled presents network connectivity information specific to an associated electronic device implementing said communication interface" (emphasis added) as recited in

independent Claim 1. As such, Applicant submits that Claim 1 overcomes the rejection under 35 U.S.C. § 102(e), and is thus in a condition for allowance.

Therefore, since Blight fails to anticipate each and every element as recited in amended independent Claim 1, Applicants respectfully submit that Independent Claim 1 overcomes the rejections under 35 U.S.C. §102(e), and is thus in condition for allowance.

With respect to Claims 5-10, Applicants respectfully point out that Claims 5-10 depend from allowable amended independent Claim 1 and recite further embodiments of the present claimed invention. Therefore, Applicants respectfully submit that Claims 5-10 overcome the rejections under 35 U.S.C. §102(e), and that these claims are thus in a condition for allowance as being dependent on an allowable base claim.

Claim Rejections - 35 U.S.C. §103

The present Office Action rejected Claims 2-4 under 35 U.S.C. 103(a) as being unpatentable over Blight in view of U.S. Patent No. 6,175,860 by Gaucher, hereinafter referred to as the "Gaucher" reference. In addition, Claims 2-4 depend on independent Claim 1. Applicant has reviewed the above cited references and respectfully submits that the embodiments of the present invention as recited in Claims 2-4 are patentable over Blight, either taken alone or in combination with Gaucher.

It is noted that in between the sending of the Office Action dated March 21, 2007 and the filing of the present Office Action Response, the U.S. Supreme Court on April 30, 2007, rendered a decision in *KSR International Co. v. Teleflex, Inc.*, 127 S. Ct. 1727, 82 U.S.P.Q.2d 1385 (2007) that addressed the question of obviousness. In the context of an obviousness analysis, *KSR* held that it is important to identify a reason that would have prompted a person of ordinary skill in the art to combine the elements of references in the way the claimed invention does. *Id.* at 1741.

In addition:

"The initial burden is on the examiner to provide some suggestion of the desirability of doing what the inventor has done. "To support the conclusion that the claimed invention is directed to obvious subject matter, either the references must

expressly or impliedly suggest the claimed invention or the examiner must present a ***convincing line of reasoning*** as to why the artisan would have found the claimed invention to have been obvious in light of the teachings of the references." *Ex parte Clapp*, 227 USPQ 972, 973 (Bd. Pat. App. & Inter. 1985). (emphasis added).

See also, *KSR International Co. v. Teleflex Inc.*, No. 04-1350, 550 U.S. ____ (2007).

The above discussion and distinctions over Blight are incorporated herein by reference. With respect to Gaucher, in general, Applicant understands Gaucher to teach, among other things, a method and apparatus for an automatic multi-rate wireless/wired computer network. Moreover, Applicant understands Gaucher to teach a computer network where an "additional device is automatically and seamlessly registered and configured into the network without requiring any user intervention" (Abstract; emphasis added).

As noted above, the PTO has the burden of establishing a prima facie case of obviousness under 35 USC §103. The Examiner must show that some reason to combine the elements with some rational underpinning that would lead an individual of ordinary skill in the art to combine the relevant teachings of the references. *KSR International Co. v. Teleflex Inc.*, No. 04-1350, 550 U.S. ____ (2007); *In re Fine*, 837 F.2d 1071, 1074 (Fed. Cir. 1988). Therefore, a combination of relevant teachings alone is insufficient grounds to establish obviousness, absent some reason for one of ordinary skill in the art to do so. *Fine* at 1075. In this case, the Examiner has not pointed to any cogent, supportable reason that would lead an artisan of ordinary skill in the art to come up with the claimed invention.

A large number of devices may exist in the prior art where, if the prior art is disregarded as to its content, purpose, mode of operation and general context, the several elements claimed by the applicant, if taken individually, may be disclosed. However, the important thing to recognize is that the reason for combining these elements in any way to meet Appellants' claims only becomes obvious, if at all, when considered from hindsight in the light of the application disclosure. The Federal Circuit has stressed that the "decisionmaker must step backward in time and into the shoes worn by a person having ordinary skill in the art when the invention was unknown and just before it was made." *Panduit Corp. v. Dennison Mfg. Co.*, 810 F.2d 1561, 1566 (Fed. Cir. 1987). To do otherwise would be to apply hindsight reconstruction, which has been strongly discouraged by the Federal Circuit. *Id.* at 1568.

To imbue one of ordinary skill in the art with knowledge of the invention in suit, when no prior art reference or references of record convey or suggest that knowledge, is to fall victim to the insidious effect of a hindsight syndrome wherein that which only the inventor taught is used against its teacher.

W.L. Gore & Assoc. v. Garlock, Inc., 721 F.2d 1540, 1553 (Fed. Cir. 1983).

Therefore, without some reason in the references to combine the cited prior art teachings, with some rational underpinnings for such a reason, the Examiner's conclusory statements in support of the alleged combination fail to establish a prima facie case for obviousness. See, *KSR International Co. v. Teleflex Inc.*, No. 04-1350, 550 U.S. ____ (2007) (obviousness determination requires looking at "whether there was an apparent reason to combine the known elements in the fashion claimed...", citing *In re Kahn*, 441 F.3d 977, 988 (CA Fed. 2006) ("[R]ejections on obviousness grounds cannot be sustained by mere conclusory statements; instead, there must be some articulated reasoning with some rational underpinning to support the legal conclusion of obviousness," *KSR* at 14).

Moreover, these references whether taken individually, or in combination can not and do not spontaneously provide applicant's invention. For this reason, Applicants respectfully submit that the Examiner's opinion that it would be obvious to use the teachings of Gaucher in combination with the teachings of Blight is improper, due in part to the Examiners apparent misperception of Blight, as discussed above. Respectfully, applicant requests withdrawal of the rejection and allowance of claim 1.

Claims 2-4

Applicant respectfully notes that Claims 2-4 depend from Independent Claim 1 and therefore benefit from like argument, incorporated herein by reference.

To establish prima facie obviousness of a claimed invention, all the claim limitations must be taught or suggested by the prior art. *In re Royka*, 490 F.2d 981, 180 USPQ 580 (CCPA 1974). (MPEP 2143.03).

The above discussion and distinctions over Blight are incorporated herein by reference. With respect to Gaucher, in general, Applicant understands Gaucher to teach, among other things, a method and apparatus for an automatic multi-rate wireless/wired computer network. Moreover, Applicant understands Gaucher to teach a computer network where an "additional device is automatically and

seamlessly registered and configured into the network without requiring any user intervention" (Abstract; emphasis added).

Thus, assuming arguendo, that Gaucher does teach the features relied upon by the Examiner, e.g., replacing code structures within the code with ordered listing index values, Applicants still do not understand the teachings of Gaucher in combination with the teachings of Blight to teach, describe or suggest "each of said plurality of electronic devices including a selector for manually initiating a user initiated communication interface that when enabled presents network connectivity information specific to an associated electronic device implementing said communication interface" as recited in independent Claim 1.

Moreover, it must be remembered that "***If the proposed modification or combination of the prior art would change the principle of operation of the prior art invention being modified, then the teachings of the reference are not sufficient to render the claims prima facie obvious.***" *In re Ratti* 270 F.2d 810, 123 USPQ 349 (CCPA 1959) (comment added).

As stated herein, Applicant understands Blight to teach a resource proxy for mobile wireless electronic devices. Blight teaches that "[w]henver a resource is detected through one of the network interfaces, e.g., via their automatic resource discovery procedures, a record of the resource is added to the resource table" (col. 10, lines 62-65; emphasis added). In particular, Applicant respectfully submits that Blight discloses that resources are added to the resource proxy through automatic resource discovery procedures.

Applicant respectfully submits that Blight does not teach, describe or suggest "each of said plurality of electronic devices including a selector for manually initiating a user initiated communication interface that when enabled presents network connectivity information specific to an associated electronic device implementing said communication interface" as recited in independent Claim 1. As such, the modification of Blight, such as manually initiating a user initiated communication interface would change the principle of operation of Blight (emphasis added). In other words, Applicant understands Blight to teach *directly away* from the claimed features.

With respect to the recent holding in KSR, Applicant notes that Examiner has failed to show some rational underpinning that would lead an individual of ordinary skill in the art to combine the relevant teachings of the references Blight and

Gaucher. That is, Assuming arguendo, that Gaucher does teach the features relied upon by the Examiner, Applicant still does not understand Gaucher to teach or render obvious the shortcomings of Blight related to the features of: "each of said plurality of electronic devices including a selector for manually initiating a user initiated communication interface that when enabled presents network connectivity information specific to an associated electronic device implementing said communication interface" as recited in independent Claim 1.

Therefore, in addition to being dependent upon Independent Claim 1 that has been demonstrated to be allowable over Blight, Applicant respectfully asserts that dependent claims 2-4 provide additional patentably distinct elements that are not obvious in light of Blight and Gaucher (whether taken separately or in combination). Therefore, Applicant respectfully submit that Claims 2-4 overcome the rejection under 35 U.S.C. §103(a), and that Claims 2-4 are in a condition for allowance.

CONCLUSION

It is believed that all of the pending Claims have been addressed. However, the absence of a reply to a specific rejection, issue or comment does not signify agreement with or concession of that rejection, issue or comment. In addition, because the arguments made above may not be exhaustive, there may be reasons for patentability of any or all pending Claims (or other Claims) that have not been expressed. Finally, nothing in this paper should be construed as intent to concede any issue with regard to any Claim, except as specifically stated in this paper, and the amendment of any Claim does not necessarily signify concession of unpatentability of the Claim prior to its amendment.

In light of the above amendments and remarks, Applicant respectfully requests allowance of Claims 1-36.

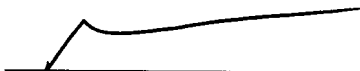
The Examiner is invited to contact Applicant's undersigned representative if the Examiner believes such action would expedite resolution of the present application.

Applicant believes that no fees are currently due, however, should any fee be deemed necessary in connection with this Amendment and Response, the Commissioner is authorized to charge deposit account 08-2025, referencing the Attorney docket number 100110550-1.

Respectfully submitted,

WAGNER BLECHER LLP

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John P. Wagner, Jr.
Registration No. 35,398

123 Westridge Dr.
Watsonville, Ca 95076
(408) 377-0500